

Theodore S Rappaport ex parte filing with t...

Mr Rappaport alleges without proof or evidential submission that amateur radio operators who use Winlink, Pactor or other similar digital communications modes are violating the Commission's Part 97 rules by transmitting an encoded signal not decodable by other amateur radio stations or the public. He also alleges, again without any proof or evidence, such alleged rules violations constitute a "National Security threat. He also alleges that he and unnamed "thousands of others" view these alleged violations as a threat to the national security interests of the United States. Let him produce the sworn testimony of these unnamed others who have evidence of a national security violation. I believe such evidence does not exist.

Further, he believes the alleged lack of recognition of or acknowledgment of these "problems " by the FCC as jeopardizing the safety of U.S. citizens. He provides, once again, no evidence to support his claims. He falsely characterizes the request of the national association for amateur radio, the American Radio Relay League, to remove the limit on the symbol or baud rate of High Frequency transmissions as security "concerns" requiring the FCC to prohibit the use of digital modes such as Winlink or Pactor from use in the amateur service.

Mr. Rappaport's allegations about digital modes on

amateur radio being a threat to national security amount to nothing more than fearmongering. He has presented no evidence to support his claims, and without such evidence, the FCC should give them no credibility.

Mr. Rappaport is confusing the deliberate obscuring of the contents of a transmission with the encoding necessary for proper operation of the audio compression necessary in these modes.

Nowhere in the definitions in Part 97.3 (Definitions) is the word "obscure" or the word "encryption" defined. Since the FCC chose to not define these words, or did not define them by omission, the result is the same; in any legal proceeding a court of competent jurisdiction will look to a recognized dictionary of the English language for the common usage and definition of the words. In any reading of such a dictionary the word "obscure" means to "cover, conceal, hide, or to make not easily understood. (Webster's New World Dictionary, Second College Edition.) Likewise, "encrypt" means to encode or encipher the contents of a message so as to render it undecipherable by the reader without the decryption key. An encryption key is customarily an algorithm designed to make the message decipherable so the reader can read it and is for clandestine or nefarious purposes.

In no way can the process of encoding a digital signal

for the purpose of transmitting a data stream which is a legitimate message be considered to be an impermissible encryption or obscuring of the content of a message. It is a form of modulation of a signal to carry data or, as in DStar or C4FM, another digital mode, a voice transmission with the simultaneous transmission of a data stream such as a photo or written document. These modes are now being put to extensive use in emergency communications as part of ARES and RACES operations, and greatly increase the value of the amateur radio service to communities and emergency managers all over the country.

The allegations contained in the letters and filings of Mr. Rappaport in regard to this matter are wholly without merit and should be ruled as unsupported innuendo with the intent to harm the amateur radio service.

Given Mr. Rappaport's extensive connections to the commercial wireless industry, I question his motivations in submitting his filing.

Respectfully submitted,

Diane Saunders, K0DSL, MN-CEM